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Letter dated 31 December 2012 from the Chair of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire, containing an account of the Committee's activities from 1 January to 31 December 2012 (see annex). The report, which was adopted by the Committee, is being submitted in accordance with the note by the President of the Council of 29 March 1995 (S/1995/234).

In this connection, I would appreciate it if the present letter and its annex were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Gert **Rosenthal**
Chair
Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

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Annex

Report of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire covers the period from 1 January to 31 December 2012.

2. For 2012, the Bureau consisted of Gert Rosenthal (Guatemala) as Chair, and the delegations of Germany and South Africa as Vice-Chairs (see S/2012/2).

II. Background

3. The Security Council, by its resolution 1572 (2004) of 15 November 2004, imposed an arms embargo, with immediate effect, as well as travel restrictions and an assets freeze on designated individuals and entities, to take effect on 15 December 2004.

4. By paragraph 14 of resolution 1572 (2004), the Security Council established a Sanctions Committee: (a) to designate and make public a list of individuals and entities subject to the targeted measures; (b) to seek information from States and entities on their implementation of the measures; (c) to consider and decide upon requests for exemptions to the arms embargo and other targeted measures; (d) to promulgate guidelines for the conduct of the Committee's work; and (e) to report to the Council regularly on its work, with recommendations and observations on ways to strengthen the effectiveness of the measures.

5. By its resolution 1584 (2005), the Security Council authorized the United Nations Operation in Côte d'Ivoire (UNOCI) and the supporting French forces to monitor the arms embargo imposed by the Council in resolution 1572 (2004), which required all States to prevent the direct or indirect supply, sale or transfer to Côte d'Ivoire of arms or any related materiel as well as the provision of any assistance, advice or training related to military activities.

6. By its resolution 1584 (2005), the Security Council also requested the Secretary-General, in consultation with the Committee, to create a group of experts to, inter alia, examine and analyse the information gathered by UNOCI and the French forces in the context of their respective monitoring mandates; gather and analyse all relevant information in Côte d'Ivoire, countries of the region and, as necessary, in other countries, on violations of the arms embargo; and to consider and recommend ways of improving the capabilities of States, in particular those in the region, to ensure the effective implementation of the measures imposed. On 23 September 2005, the Group of Experts submitted its report (see S/2005/699) to the Committee, and on 18 October 2005, by its resolution 1632 (2005), the Council extended the Group's mandate until 15 December 2005, pursuant to which, on 29 November 2005, the Group submitted its update report (see S/2006/204) to the Committee.

7. By its resolution 1643 (2005), the Security Council renewed the arms embargo, as well as the travel ban and the assets freeze imposed, respectively, by paragraphs 9 and 11 of resolution 1572 (2004). By paragraph 6 of resolution 1643 (2005), the Council imposed an embargo on the import of all rough diamonds from Côte d'Ivoire. By paragraph 9 of the same resolution, the Council requested the Secretary-General to establish an expanded Group of Experts for six months with the additional task of monitoring the embargo on diamonds. The Group of Experts submitted its report to the Committee on 16 August 2006 (see S/2006/735).

8. By paragraph 4 of resolution 1643 (2005), the Security Council decided that any obstacle to the freedom of movement of UNOCI and the French forces, or any attack or obstruction to the action of UNOCI, the French forces, the High Representative for the elections or the International Working Group, constituted a threat to the peace and national reconciliation process for the purposes of the measures imposed by the Council in paragraphs 9 and 11 of resolution 1572 (2004).

9. On 14 September 2006, by its resolution 1708 (2006), the Security Council extended the mandate of the Group of Experts until 15 December 2006 and requested that the Group submit a brief written update to the Council through the Committee before 1 December 2006 on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraphs 4 and 6 of resolution 1643 (2005), with recommendations in that regard. The Group of Experts submitted its update report to the Committee on 27 November 2006 (see S/2006/964).

10. On 15 December 2006, by its resolution 1727 (2006), the Security Council renewed until 31 October 2007 the arms embargo, travel and financial sanctions as weli as the embargo on the import of all rough diamonds originating in Côte d'Ivoire. By paragraph 7 of the same resolution, the Council decided to extend the mandate of the Group of Experts for a further six months. The Group was requested to report to the Security Council in writing, through the Committee, before 15 June 2007, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005). The Group of Experts submitted its report to the Committee on 11 June 2007 (see S/2007/349).

11. On 20 June 2007, by its resolution 1761 (2007), the Security Council decided to extend the mandate of the Group of Experts, as set out in resolution 1727 (2006), until 31 October 2007. By paragraph 2 of the same resolution, the Council requested the Group of Experts to submit a written update to the Council, through the Committee, before 15 October 2007, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraphs 4 and 6 of resolution 1643 (2005). The Group of Experts submitted its report to the Committee on 21 September 2007 (see S/2007/611).

12. On 29 October 2007, by its resolution 1782 (2007), the Security Council renewed until 31 October 2008 the measures contained in paragraphs 7 to 12 of resolution 1572 (2004), and paragraph 6 of resolution 1643 (2005). By paragraph 8 of the same resolution, the Council decided to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) until 31 October 2008. The Council requested the Group of Experts to provide a midterm report to the Committee by 15 April 2008 and to submit a final written report to the Security Council through the Committee 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution

1572 (2004) and paragraph 6 of resolution 1643 (2005), as well as recommendations in that regard. The Group of Experts submitted its midterm report to the Committee on 20 March 2008 (see S/2008/235) and its final report on 15 September 2008 (see S/2008/598).

13. On 29 October 2008, by its resolution 1842 (2008), the Security Council renewed until 31 October 2009 the measures contained in paragraphs 7 to 12 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005). By paragraph 10 of the same resolution, the Council decided to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) until 31 October 2009. The Council requested the Group to provide a midterm report to the Committee by 15 April 2009 and to submit a final written report to the Council through the Committee 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005), as well as recommendations in this regard. The Group of Experts submitted its midterm report to the Committee on 20 March 2009 (see S/2009/188) and its final report on 15 September 2009 (see S/2009/521).

14. On 29 October 2009, by its resolution 1893 (2009), the Security Council renewed until 31 October 2010 the measures contained in paragraphs 7 to 12 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005). By paragraph 10 of the same resolution, the Council decided to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) until 31 October 2010. The Council requested the Group to provide a midterm report to the Committee by 15 April 2010 and to submit a final written report to the Council through the Committee 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005), as well as recommendations in that regard.

15. On 15 October 2010, by its resolution 1946 (2010), the Security Council renewed until 30 April 2011 the measures contained in paragraphs 7 to 12 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005). By paragraph 9 of the same resolution, the Council decided to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) until 30 April 2011. The Council requested the Group to provide a report to the Committee by 15 April 2011 on the implementation of the measures imposed by paragraphs 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005), as well as recommendations in that regard.

16. On 28 April 2011, by its resolution 1980 (2011), the Security Council renewed until 30 April 2012 the measures contained in paragraphs 7 to 12 of resolution 1572 (2004), paragraph 5 of resolution 1946 (2010), paragraph 12 of resolution 1975 (2011), and paragraph 6 of resolution 1643 (2005). By paragraph 13 of the same resolution, the Council decided to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) until 30 April 2012. The Council requested the Group to submit to the Committee a midterm report by 15 October 2011 and a final report as well as recommendations to the Security Council through the Committee 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004), paragraph 6 of resolution 1643 (2005) and paragraph 12 of resolution 1975 (2011).

17. On 26 April 2012, by its resolution 2045 (2012), the Security Council decided to replace the measures on arms and related materiel, previously imposed by paragraphs 7 and 8 of resolution 1572 (2004), with paragraphs 2, 3 and 4 of the resolution, by which the measures no longer applied to the provision of training, advice and expertise related to security and military activities, as well as to the supplies of civilian vehicles to the Ivorian security forces. The Council further decided to renew until 30 April 2013 the financial and travel measures imposed by paragraphs 9 to 12 of resolution 1572 (2004) and paragraph 12 of resolution 1975 (2011) as well as the measures preventing the importation by any State of all rough diamonds from Côte d'Ivoire imposed by paragraph 6 of resolution 1643 (2005). By paragraph 15 of the same resolution, the Council also decided to extend the mandate of the Group of Experts until 30 April 2013 as set out in paragraph 7 of resolution 1727 (2006). The Council requested the Group to submit to the Committee a midterm report by 15 October 2012 and a final report as well as recommendations to the Security Council through the Committee 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraph 2 above, paragraphs 9 and 11 of resolution 1572 (2004), paragraph 6 of resolution 1643 (2005), paragraph 12 of resolution 1975 (2011) and paragraph 10 of resolution 1980 (2011).

III. Summary of the activities of the Committee

18. In the course of 2012, the Committee held four informal consultations (10 February, 11 April, 4 May and 12 October).

19. On 10 February 2012, the Committee received a briefing from the Special Representative of the International Criminal Police Organization (INTERPOL) to the United Nations, following which the Committee considered and approved procedures for cooperation among the Committee, INTERPOL and the Group of Experts by which, inter alia, the Committee shall submit requests for the issuance and circulation of INTERPOL-United Nations Security Council special notices.

20. On 16 March 2012, the Group of Experts presented its final report (see S/2012/196) pursuant to resolution 1980 (2011) to the members of the Committee. At the same meeting, Committee members also discussed the recommendations contained in the report. During the consultations of the Security Council on 18 April 2012, the Chair briefed the members of the Council on the main findings contained in the report as well as the Committee's consideration of the Group's final report and its recommendations.

21. On 4 May 2012, the Committee received a briefing from the Chair of the Kimberley Process, who described the efforts made by the Kimberley Process in Côte d'Ivoire and outlined the possible developments that might have occurred in the upcoming months. Members of the Security Council Committees established pursuant to resolution 1521 (2003) concerning Liberia and to resolution 1533 (2004) concerning the Democratic Republic of the Congo were also invited to participate in the meeting.

22. As part of its follow-up of the recommendations contained in the final report (S/2012/196), the Committee dispatched, on 14 May 2012, letters addressed to the Permanent Representatives to the United Nations of Burkina Faso, Côte d'Ivoire, Ghana, Guinea, Liberia, Mali and Sierra Leone, drawing attention to relevant

paragraphs contained in the Group's report. Letters were also transmitted to the Chair of the Kimberley Process, the President of the Commission of the Economic Community of West African States, the General Director of Groupe l'Harmattan, as well as to the Under-Secretary-General for Peacekeeping Operations. On 21 June 2012, the Committee received a reply to its letter addressed to the Under-Secretary-General for Peacekeeping Operations in connection with the report.

23. On 12 October 2012, the Group of Experts presented its midterm report (see S/2012/766) pursuant to resolution 2045 (2012) to the members of the Committee during the Committee's informal consultations. At the same meeting, Committee members also discussed the recommendations contained in the report. During the consultations of the Security Council on 25 October 2012, the Chair briefed members of the Council on the main findings contained in the report as well as the Committee's discussions of the Group's report and its recommendations.

24. Following up on the midterm report's recommendations, the Committee dispatched, on 9 November 2012, letters to the permanent representatives to the United Nations of Belgium, Côte d'Ivoire and France, drawing attention to relevant paragraphs contained in the Group's midterm report (see S/2012/766). Letters were also transmitted to the Chair of the Kimberley Process, the Special Representative of INTERPOL to the United Nations, the General Director of Groupe l'Harmattan, as well as to the Under-Secretary-General for Peacekeeping Operations. Furthermore, on 9 November 2012, the Committee transmitted a note verbale to all Member States drawing their attention to relevant paragraphs contained in the Group's midterm report.

25. On 11 December 2012, the Committee received a reply to the letter from the Chair dated 9 November 2012 addressed to the Chair of the Kimberley Process in connection with the Group of Experts' midterm report, updating the Committee on the developments in Côte d'Ivoire as discussed in the Kimberley Process plenary, held in Washington, D.C. (27-30 November 2012).

26. Pursuant to paragraph 9 of resolution 1980 (2011), by which the Security Council decided that the exemption procedure set out in paragraph 8 (e) of resolution 1572 (2004) should apply only to arms and related materiel, vehicles and the provision of technical training and assistance in support of the Ivorian process of security sector reform, pursuant to a formal request by the Government of Côte d'Ivoire and approved in advance by the Sanctions Committee, the Committee considered and approved a total of four exemption requests from the Permanent Mission of Côte d'Ivoire to the United Nations for the shipment of materiel and provision of military assistance to Côte d'Ivoire, namely, those circulated in the Committee on 23 February 2012, 15 and 27 March 2012, and 5 April 2012.

27. Pursuant to paragraph 4 of resolution 2045 (2012), by which the Security Council decided that the Ivorian authorities should notify the Committee in advance of any shipment of items referred to in paragraph 3 (e) of the resolution,[1] the

[1] Paragraph 3 (e) of resolution 2045 (2012) reads as follows: "*Decides* that the measures imposed by paragraph 2 of the resolution shall not apply to ... supplies of non-lethal law enforcement equipment intended to enable the Ivorian security forces to use only appropriate and proportionate force while maintaining public order, as notified in advance to the Committee established by paragraph 14 of resolution 1572 (2004)."

Committee received one notification of such a shipment, namely, that which was circulated in the Committee on 21 November 2012.

28. Pursuant to paragraph 4 of resolution 2045 (2012), by which the Security Council also decided that the Ivorian authorities should request the Committee in advance for approval of any shipment of items referred to in paragraph 3 (f) of the same resolution, utilizing the exemption procedure set out in paragraph 8 (e) of resolution 1572 (2004), pursuant to a formal request by the Government of Côte d'Ivoire and approved in advance by the Sanctions Committee, the Committee considered and approved one exemption request for approval of the shipment of materiel to Côte d'Ivoire, which had been circulated in the Committee on 4 September 2012.

29. During the reporting period, the Committee considered a total of 10 monthly media and 10 arms embargo monitoring reports prepared by UNOCI in accordance with paragraphs 2 and 9 of resolution 1584 (2005) and paragraph 6 of resolution 1572 (2004). The Committee also considered eight UNOCI monthly human rights reports during the reporting period.

IV. Violations and alleged violations of the sanctions regime

30. In its report of 16 March 2012 (S/2012/196) pursuant to resolution 1980 (2011), the Group of Experts on Côte d'Ivoire observed, inter alia, that, during the reporting period, the security situation in Côte d'Ivoire had still not completely stabilized, particularly in the north. The Group noted that many challenges to the stabilization and reunification of the country still persisted and, if not resolved properly, ran the risk of halting the ongoing progress. The Group noted with concern that Côte d'Ivoire was still awash with weapons and ammunition that remained unaccounted for; there were no effective disarmament, demobilization and reintegration programmes; the security sector reform was not proceeding regularly and efficiently; borders continued to not be properly monitored; the gendarmerie and police were still under-equipped; and the economic and military structure created by Zone Commanders continued to function as it did prior to the post-electoral crisis. In the area of arms, the Group outlined three specific and documented cases in its final report: ammunition produced in Romania and imported in violation of the sanctions regime; the network Montoya-Lafont-Kapylou which violated the sanctions regime on numerous occasions; and the role played in the violations of the sanctions regime by former Ivorian Commander Anselme Seka Yapo. In the area of finances, the Group confirmed with extensive evidence that revenues obtained from natural resources, notably oil and cocoa, had been used by the previous administration for the purchase of arms and related materiel. In the area of diamonds, the Group noted that diamond mining continued unabated and remained an illegal activity in Côte d'Ivoire, and that the Government had yet to fully regain administrative control over the mining areas. In the area of customs, the Group reported that the country still suffered from weak or non-existent customs controls throughout the Ivorian territory. Customs officers had been deployed on the borders; however, they were unable to operate safely and efficiently owing to lack of resources. Therefore, owing to poor security conditions, lack of control at the borders and low-level racketeering on the roads through mobile and fixed roadblocks, the Group remained extremely concerned at the possible movement of arms and ammunition from neighbouring countries into Côte d'Ivoire. With regard

to the individuals whose names are on the Committee's sanctions list, the Group launched a comprehensive investigation requesting all Ivorian banks, including publicly and privately owned banks, to report about all accounts owned by the designated individuals.

31. In its midterm report of 14 September 2012 (S/2012/766) pursuant to resolution 2045 (2012), the Group of Experts observed that the evolving security situation in a number of neighbouring States was heightening the regional dimensions of the crisis in Côte d'Ivoire. The progressive deterioration of the political and security situation in Mali, the ongoing mercenary/militia crisis at the Ivorian border with Liberia and in the western and southern part of Côte d'Ivoire, as well as the presence of supporters of former President Gbagbo in Ghana who persistently organize destabilizing actions in Côte d'Ivoire and the region, all gave cause for high concern that numerous armed actors were actively interested in acquiring weapons and related materiel in violation of the sanctions regime imposed by the Security Council. The Group also observed that, as the security situation continues to deteriorate, it remained extremely concerned at the ongoing circulation of large numbers of weapons in Côte d'Ivoire, which underlined the importance of the country's engaging in effective disarmament, demobilization and reintegration and security sector reform programmes without further delay. In the area of arms, the Group observed that despite the changes to the sanctions regime with the adoption of resolution 2045 (2012) that allowed for a streamlined, faster procedure for exemption requests, a number of violations of the arms embargo still took place. The Group was closely following up recent purchases of arms which may result in a violation of the sanctions regime. In the area of finance, the Group further investigated the large-scale smuggling of cocoa and cashew nuts through the border with Ghana and the illegal business structure that was in place on both sides of the border. The Group expressed the view that portions of the gains obtained through this illicit commerce might be used for the purchase of arms in an attempt to destabilize the Government and in violation of the sanctions regime. In the framework of its mandate, the Group also continued to pursue investigations into the illicit trafficking of other natural resources, mainly oil and timber, as well as on the illegal parallel taxation system. In the area of diamonds, the Group noted that diamond mining continued unabated and remained an illegal activity in Côte d'Ivoire, although the Government had yet to fully regain administrative control over the mining areas. However, the Group observed that diamond production had progressively declined owing to the exhaustion of some artisanal mines, which had had a positive deterrent effect on the diamond embargo. The Group also noted the involvement of individuals connected to groups aligned with the past regime who were trading in gold and diamonds from the territories of Ghana, Guinea, Liberia and Mali. In the area of customs, the Group focused on three main aspects: the redeployment of customs officers on the borders with neighbouring countries; the measures taken by Member States to implement the sanctions regime imposed on Côte d'Ivoire; and the identification of entry/exit routes for embargoed goods. The Group observed with concern that Member States rarely implemented the sanctions measures imposed on Côte d'Ivoire, which constituted a serious issue in the monitoring of both the arms and diamond embargos. With regard to the individuals named on the Committee's sanctions list, the Group continued to assess the financial status of all the individuals under sanctions.

V. Observations and conclusions

32. The primary responsibility for the implementation of the measures imposed by the Security Council rests with Member States. For its part, in facilitating and monitoring the implementation of the relevant measures, the Committee has greatly benefited from the information provided by the Group of Experts, UNOCI and other sources which have proven to be a useful tool in deciding upon appropriate actions. The Committee remains committed to discharging its mandate as effectively and as efficiently as possible.